

Senate Bill No. 1279

CHAPTER 215

An act to add Section 14525.3 to the Government Code, relating to transportation.

[Approved by Governor August 26, 2016. Filed with
Secretary of State August 26, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1279, Hancock. California Transportation Commission: funding prohibition: coal shipment.

Existing law creates the California Transportation Commission, with various duties and responsibilities relative to the programming and allocation of funds for transportation capital projects.

This bill would, except as specified, prohibit the commission from programming or allocating any state funds for new bulk coal terminal projects, as defined. The bill would require terminal project grantees to annually report to the commission that the project is not being used to handle, store, or transport coal in bulk.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares that, to avoid the impacts of localized airborne particulate matter associated with the transportation of coal and the increased emissions of greenhouse gases associated with the use of coal, the State of California should make all reasonable and legal efforts to avoid the investment of state funds in coal-supporting transportation projects.

(b) It is the intent of the Legislature that the State of California cease all investments in transportation infrastructure projects that store, transfer, or transport significant amounts of coal in bulk. While it is not the intent of the Legislature to disrupt existing, regular, and lawful interstate and international commerce involving operations that may transport coal at present, it is the intent of the Legislature to avoid making new investments in coal-supporting projects.

SEC. 2. Section 14525.3 is added to the Government Code, to read:

14525.3. (a) To the extent consistent with federal law, the commission shall not program or allocate any state funds, including proceeds from the sale of general obligation bonds, under its jurisdiction for any new bulk coal terminal project proposed on or after January 1, 2017.

(b) (1) The commission shall evaluate each new terminal project before the commission to determine consistency with this section and also whether

or not the purpose or intent of the new terminal project is to increase the state's overall capacity to facilitate the transportation of coal in bulk, based on a review of the completed environmental documents and written confirmation from the lead agency of the project, as designated pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(2) A terminal project grantee of funds identified by the commission as subject to this section shall annually notify the commission that the project is not being used to handle, store, or transport coal in bulk.

(c) This section does not apply to a project or infrastructure already permitted as of January 1, 2016.

(d) For purposes of this section, the following definitions apply:

(1) (A) "New bulk coal terminal" means a terminal that stores, handles, or transports coal in bulk to a degree or significance that is categorized as having the potential for significant impacts in an environmental document prepared pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) as a result of the storage, handling, or transport of coal in bulk.

(B) "New bulk coal terminal" does not include a project that is designed for safety, rehabilitation, congestion reduction, modernization, maintenance, or repair of an existing operation or facility, including rail terminals, railyards, rail facilities, rail infrastructure, and rail right-of-way.

(2) (A) "Terminal project" or "terminal" means a yard, depot, or off-road or other facility that exchanges freight in bulk between transportation modes.

(B) "Terminal project" does not include a project that is designed for safety, rehabilitation, congestion reduction, modernization, maintenance, or repair of an existing operation or facility, including rail terminals, railyards, rail facilities, rail infrastructure, and rail right-of-way.